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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,755	08/05/2003	Vincent Alan Larsen	24089-09280	9362
758	7590	09/19/2007		
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER AGWUMEZIE, CHARLES C	
			ART UNIT 3621	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/635,755	Applicant(s) LARSEN, VINCENT ALAN	
	Examiner Charlie C. Agwumezie	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/10/03; 10/4/04, 7/22/05, 12/27/05</u> | 6) <input type="checkbox"/> Other: _____ |

3/30/06, 8/18/06, 11/20/06
5/1/07

DETAILED ACTION

Status of Claims

1. Claims 1-20 is cancelled and claims 21-38 are added per the preliminary amendment filed on May 31, 2005. Claims 21-38 are pending in this application.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claims 21-38**, are rejected under 35 U.S.C. 101 because the method of generating an identifier, receiving the identifier and obtaining information regarding the identifier fails to produce useful, concrete and tangible result.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21, 26, 27, 32 and 33, 38, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically it is not clear what the invention does after obtaining the information regarding the financial instrument (claims 21, 27 and 33). The claim phrase "meta-data" is not clear (claims 26, 32 and 38)

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and there is no antecedent basis for the claim phrase "meta-data" as claimed (claims 26, 32 and 38).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21-38, are rejected under 35 U.S.C. 102(e) as being anticipated by

Walker et al U.S. Patent Application Publication No. 2006/0218097 A1.

As per **claims 21, 27 and 33**, Walker et al discloses a method of conducting a financial transaction, comprising:

generating an identifier for a financial instrument, the identifier identifying the financial instrument without disclosing information regarding the financial instrument (fig. 3B; ...device generates single credit card numbers...);

receiving the identifier responsive to an initiation of the financial transaction (fig. 3B; ...cardholder transmits single use number to merchant...); and

obtaining the information regarding the financial instrument based on the received identifier (fig. 3B; merchant provides credit card processor with single use credit card number...; fig. 5; ...information regarding the credit card...).

As per **claims 22, 28 and 34**, Walker et al further discloses the method, further comprising:

receiving a description of the financial transaction (fig. 3A; goods/services; 0009 ...transaction information...; 0022; ...transaction specific data...); and

conducting the financial transaction using the information regarding the financial instrument (fig. 3A; ...authorization...; 3B; transaction authorization...).

As per **claims 23, 29 and 35**, Walker et al further discloses the method, further comprising:

generating, in response to obtaining the information regarding the financial instrument, a second identifier for the financial instrument to replace the previously-generated identifier, the second identifier different from the previously generated identifier and identifying the financial instrument without disclosing information regarding the financial instrument (fig. 6 and 8; 0062; 0063; 0064; 0091; ...different nonce...).

As per **claim 24, 30, and 36**, Walker et al further discloses the method, further comprising:

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executing a process having an execution path (fig. 3B; ...authentication path...);
and

determining from the execution path whether the process has access rights to
the information regarding the financial instrument (fig. 3B; ...is access granted...).

As per **claim 25, 31 and 37**, Walker et al further discloses the method, wherein
determining whether the process has access rights comprises:

establishing a resource allocation table, the table having entries having execution
paths and specifying access rights of processes having the execution paths (figs. 3B
and 13);

examining the entries of the resource allocation table to locate an entry having an
execution path matching the execution path of the process (see fig. 9A; does number
represent a valid account...; fig. 13, ...used or not used...); and

determining from the matching entry whether the process has access rights to
the information regarding the financial instrument (0066; if the match, then the credit
card number is considered valid otherwise the transaction is aborted...).

As per **claim 6, 32 and 38**, Walker et al further discloses the method, wherein
the entries of the resource allocation table uses meta-symbols to define execution
paths, further comprising:

substituting the meta-data in the execution paths with data defined responsive to
the process (0057; 0059; 0091).

Conclusion

5. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Charles C. Agwumezie** whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Andrew Fischer** can be reached on **(571) 272 – 6779**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO

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Customer Service Representative or access to the automated information system, call
800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Charlie Lion Agwumezie
Patent Examiner
Art Unit 3621

Acc
September 12, 2007



ANDREW J. FISCHER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600